

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROSEANNA M. WAYNE, }
Plaintiff, } Civil Action No. 05-271 Erie
v. }
CHILDCARE INFORMATION }
SERVICES OF ERIE COUNTY, et al., }
Defendants. }

MEMORANDUM ORDER

This action was received by the Clerk of Court on September 20, 2005, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 14], filed on May 22, 2006, recommended that the motion to dismiss and motion to strike filed by Defendant Monarch Properties Corporation [Doc. No. 6] be granted in part and denied in part. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendants. No objections were filed. After de novo review of the motion and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 20th day of June, 2006;

IT IS HEREBY ORDERED that the motion to dismiss filed by Defendant Monarch Properties Corporation [Doc. No. 6] is DENIED; and the motion to strike is GRANTED.

The Report and Recommendation [Doc. No. 14] of Magistrate Judge Baxter, filed on May 22, 2006, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge